

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROYAL BANK AMERICA : CIVIL ACTION  
:  
v. :  
:  
JAMES E. KIRKPATRICK : NO. 11-1058

**ORDER**

**AND NOW**, this 29th day of September, 2011, upon consideration of Royal Bank's Motion for Summary Judgment (Document No. 9) and the defendant's response, it is **ORDERED** that the motion is **DENIED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** for lack of subject matter jurisdiction.

/s/Timothy J. Savage  
TIMOTHY J. SAVAGE, J.